

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

VAFA SHAMSAI,
Plaintiff,
vs.
J. MATTHEW HARTER, *et al.*,
Defendants.
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} 2:12-cv-01202-GMN-CWH
REPORT & RECOMMENDATION

On December 17, 2012, the Court entered an order denying Plaintiff's Application to Proceed *In Forma Pauperis* (#1) without prejudice. The Court found that the IFP application was incomplete because it did not adequately describe sources income or indicate what Plaintiff expected to receive in the future. As a result, the Court determine that it did not have sufficient information to determine whether Plaintiff was eligible to proceed *in forma pauperis*. Plaintiff was given until Tuesday, January 15, 2013, in which to file a completed application to proceed *in forma pauperis*. Plaintiff was warned that failure to submit a complete application, or, alternatively, to pay the filing fee would result in a recommendation that Plaintiff's application to proceed *in forma pauperis* be denied and this case dismissed. Plaintiff did not file a completed application to proceed *in forma pauperis* and has not paid the filing fee. Accordingly,

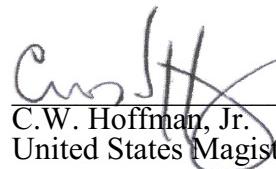
RECOMMENDATION

IT IS RECOMMENDED that Plaintiff's Application to Proceed *in Forma Pauperis* (#1) be DENIED and this case DISMISSED.

NOTICE

Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

Dated this 8th day of February, 2013.


C.W. Hoffman, Jr.
United States Magistrate Judge